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M E M O R A N D U M

TO : Board of Directors  
FROM: Linda Flores, President  
RE : President's Report  
DATE: May 29, 1986

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This memorandum provides highlights of on-going activities of the Fund and includes a discussion of administration and management as well as programmatic operations.

a)

Administration and Management

1. Collective Bargaining Negotiations

For the April 4, 1986 meeting of the Board of Directors, it was reported that the Fund Staff Association had given notice of its election, under the collective bargaining agreement, to reopen negotiations on salary increases retroactive to January 1, 1986. These negotiations also include equity increases for two staff members, Juan Cartagena, Staff Counsel and Miguel Correa, Education Counselor. The Staff Association has proposed an across-the-board dollar amount for each bargaining unit employee, separate and distinct from proposed equity increases. The underlying interest of the Association is to provide a proportionately higher increase for the lowest paid staff members.

Negotiations continue. Board members Ernest Collazo and Martin Zuckerman are serving as resource persons for these negotiations.

2. Personnel

Attached please find a roster of Fund staff. Please note that the position of Director of Education has been filled; effective June 16, 1986, Elizabeth Yeampierre will assume the responsibilities of this position.

In addition, the remaining vacancy for staff counsel is in the process of being filled. A candidate has been identified and we are currently negotiating salary; the starting date, if all other terms and conditions are satisfactory, will be August 1, 1986.

Finally, we have instituted a search process to fill the position of mail clerk which is now being filled by a temporary employee.

b) Program

1. Legal Division

New York City Community School Board Elections

Over the course of the 1985-86 academic year, the Fund has joined with other community organizations to disseminate information on the electoral process for the upcoming community school board elections and on the rights of regular and parent voters. On May 6, 1986, Fund attorneys, along with other community representatives, patrolled polling sites in Upper Manhattan, the Bronx and Queens and provided legal assistance where necessary. As a result of numerous irregularities in the election process, the Fund is currently investigating this matter to determine whether legal action is advisable. On Friday, May 30, 1986, the Fund will present testimony at the Community School Board Elections Reform Hearings (See attached copy of the testimony to be presented as well as a summary of voting irregularities).

Huertas v. East River Housing Corporation

This long-standing housing case alleged discrimination in the tenanting of low cost cooperatives on the lower east side of Manhattan. At the time the lawsuit was filed, less than 3% of the 4,500 units were occupied by Latinos or Blacks. In January 1985, the parties met with the judge and arrived at a settlement.

In recent months, however, the defendants have challenged the requested attorneys fees and further, have argued that no settlement was, in fact, arrived at. Although the judge has maintained that a settlement was agreed to by the parties, attorney's fees remain a significant barrier in securing a full settlement. Negotiations on attorney's fees are now more problematic in light of the U.S. Supreme Court's recent decision, Evans v. Jeff D., which ruled against a general proscription against waiver of attorney's fees in exchange for a settlement on the merits in federal civil rights actions. Finally, it should also be noted that defendants may appeal the case and that concern exists over whether the U.S. Justice Department will challenge the terms of the settlement as constituting an illegal quota.

Quinones v. Nescie

This is a housing discrimination action brought under the federal fair housing statutes and New York's real property laws. The plaintiff is a dark-skinned Puerto Rican single head-of-household who became aware of a vacant four-room apartment suitable for herself and her five-year old son. The complaint alleges that the landlord and rental agency refused to rent her the apartment because of her race and because she has a child. The apartment, according to the plaintiff, was rented to a non-Hispanic, white male applicant with no children after she was denied the tenancy.

The Fund filed a motion to dismiss the counterclaim by the defendant landlord based on alleged defamation and seeks \$1,000,000 in damages. The defendant landlord has also moved to dismiss the plaintiff's complaint for failure to state a cause of action which relief can be granted. Both motions have been argued and a decision is pending. Meanwhile, discovery in this case continues.

Gutierrez, et al. v. NYS Unemployment Insurance Division

This activity, resolved without legal action, challenged the imposition of an unlawful discriminatory term and condition of employment. Plaintiffs, employees of the New York State Department of Labor, Unemployment Insurance Division, along with other employees, were notified by their supervisors that they were not to speak Spanish to each other during working hours at the work place. The only stated reason given for this new policy was that the supervisors needed to understand what the workers told each other in the event incorrect information was being given.

The Fund was contacted and although we were prepared to file charges with the EEOC, advocacy by the Fund resulted in the rescission of the English-only rule in April 1986.

B. Education Division

The Education Division is preparing for its 1986 admission program, including plans for LSAT preparatory courses, financial aid workshops, law day, mentor program and related activities. For your information and review, attached please find a copy of the 1986 Calendar of Events for the Division.

As discussed above, the position of Director of Education has been filled, effective June 16, 1986. With the addition of the Director, the Division will be in a position to consider new initiatives. Proposed projects will be presented to the Education Committee for its recommendation to the full Board.